

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

IN RE: BLACKBAUD, INC.,
CUSTOMER DATA BREACH
LITIGATION

Case No.: 3:20-mn-02972-JMC

MDL No. 2972

**CASE MANAGEMENT ORDER NO. 10
(SUMMARY OF CASE MANAGEMENT
CONFERENCE NO. 5)**

THIS DOCUMENT RELATES TO: ALL ACTIONS

On July 20, 2021, the court held a brief case management conference after the hearing on Defendant Blackbaud, Inc.’s (“Blackbaud”) Motion to Dismiss Select Statutory Claims (ECF No. 110). The court addressed the following issues during the conference:

1. TAG-ALONG ACTIONS

After the last case management conference, the Judicial Panel on Multidistrict Litigation (“JPML”) transferred two (2) cases with non-Blackbaud defendants into this multidistrict litigation, *Mesa et. al. v. Enloe Medical Center* (E.D. Cal., No. 2:20-cv-2483) and *Jobe v. Community Medical Centers* (E.D. Cal., No. 2:20-cv-02500). The JPML is still considering the challenge to the transfer of *Doe v. Rady Children’s Hospital-San Diego et al.* (S.D. Cal., No. 3:21-cv-00114).

2. CASE SCHEDULE

The parties discussed their proposed case schedules. (*See* ECF Nos. 131, 132.) Plaintiffs request a revised scheduling order that prioritizes class certification, sets a trial date, and does not entail multiple phases of expert discovery. In contrast, Blackbaud asks the court to issue a new scheduling order after the parties complete Phase I discovery and the court issues decisions on

Blackbaud's Motion to Dismiss Certain Statutory Claims (ECF No. 110) and Motion to Dismiss Select Common Law Claims (ECF No. 124). If the court is inclined to issue a new scheduling order, Blackbaud requests that the court schedule phased motions for summary judgment before class certification. The court takes the parties' arguments under advisement and will enter a case management order specifying how the litigation will proceed in due time.

The parties also informed the court that Phase I discovery is ongoing despite their dispute over the scope of the phase. They assured the court that they would focus their discovery efforts on information that would facilitate a meaningful mediation on October 6, 2021.

3. SCHEDULING

The court will hold a hearing on Blackbaud's Motion to Dismiss Specific Common Law Claims (ECF No. 124) and Case Management Conference No. 6 on September 2, 2021 in Courtroom 3.

The court expects to proceed according to the following schedule on September 2, 2021:

- 9:30 a.m.: Blackbaud's Argument
- 10:15 a.m.: Plaintiffs' Response
- 11:00 a.m.: Blackbaud's Reply
- 11:15 a.m.: Break
- 11:30 a.m.: Final Questions from the Court
- 11:45 a.m.: Case Management Conference

IT IS SO ORDERED.



United States District Judge

July 21, 2021
Columbia, South Carolina